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6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF ARIZONA**
9

10 David Johnson, an individual,

11 Plaintiff,

12 vs.
13

14 Phoenix Fire Department, et al.,

15 Defendant.
16

No. 2:24-CV-00076-KML

**JOINT STIPULATED MOTION
TO EXTEND CASE DEADLINES**

(Second Request)

17 Pursuant to Fed. R. Civ. P. 16(b)(4), Plaintiff David Johnson and Defendants City
18 of Phoenix, Frank Bayless, Ray Ochoa, Michael Duran III, Kara Kalkbrenner, and
19 Michael Molitor hereby stipulate and agree to extend the remaining case deadlines as
20 follows:
21

- 22 • Plaintiff's deadline to disclose the identity of all persons whom they
23 may call at trial to present evidence under FRE 702, 703, 704, or 705 to
24 **July 23, 2025** (currently May 23, 2025);
- 25 • Defendants' deadline to disclose the identity of all persons whom they
26 may call at trial to present evidence under FRE 702, 703, 704, or 705 to
August 20, 2025 (currently June 20, 2025);

- Plaintiff's deadline to disclose the identity of all persons providing rebuttal expert testimony to **September 18, 2025** (currently July 18, 2025);
- Close of fact discovery to **October 22, 2025** (currently August 22, 2025);
- Deadline to make all pre-trial disclosures required under FRCP 26(a)(3), of all exhibits to be used and all witnesses to be called at trial, to **October 8, 2025** (currently August 8, 2025); and
- Deadline to file all dispositive motions, including Daubert motions, to be filed by **December 10, 2025** (currently October 10, 2025).

The Parties submit that good cause exists for this requested extension of the case deadlines in this matter. The Parties took heed of this Court's guidance at the Case Management Conference that last minute extensions only benefitting one party, while the other endeavored to meet its obligations timely, are not well-taken. As a result, the Parties have been working together to resolve certain discovery disputes in this matter including, but not limited to, the timing and location of third-party depositions, the Parties' discovery responses, and Plaintiff's damages disclosure.

Additionally, counsel for Plaintiff, Mr. Rosini, was the lead attorney on the matter and has withdrawn as he has resigned from the the Law Office of Joshua Black, PLC (the firm). The firm has worked diligently to bring on new litigation counsel to step in and take over the representation of Plaintiff. New litigation counsel, Mr. Dwayne Burns, Esq. has joined the Law Office of Joshua Black, PLC as Plaintiff's counsel and is filing his notice of appearance today. Plaintiff's new counsel's need of reasonable time to prepare

1 for current deadlines in the already ongoing matter is good cause. And will not prejudice
2 any party.

3 It remains the Parties' intent to attempt to continue to work together and to not
4 involve the Court unless necessary. Given the recent shake up of legal counsel and
5 desiring that the Parties have adequate time to get up to speed and work together, the
6 Parties respectfully request a modest **sixty (60) day extension** of their current case
7 deadlines to accommodate these issues and permit the Parties sufficient time to complete
8 discovery in this matter. The Parties will continue to diligently participate in discovery.

10 Accordingly, the parties request a **sixty (60) day extension** of the remaining case
11 deadlines as set forth above. The Parties respectfully submit that the requested extension
12 is not for the purpose of delay and that neither will suffer prejudice. A proposed form of
13 Order is submitted herewith.

15 RESPECTFULLY SUBMITTED this 17th day of April 2025.

16 ***Law Office of Joshua Black, PLC***

18 */s/ Joshua C. Black*

19 By: _____

20 Joshua C. Black
21 Dwayne D. Burns
22 2999 N 44th St, Ste 308
23 Phoenix, AZ 85018
24 *Attorneys for Plaintiff*

25 */s/ Kris Leonhardt (with permission)*

26 By: _____

FISHER & PHILLIPS LLP
By s/ Kris Leonhardt
Kris Leonhardt

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Attorneys for Defendants

Certificate of Service

I hereby certify that on April 17, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant(s):

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Attorneys for Defendants

By: /s/ Joshua C. Black